UNITED NATIONS

ECONOMIC AND SOCIAL COUNCIL

Distr.
GENERAL

E/AC.57/1990/WG/1
19 December 1989

ORIGINAL: ENGLISH

COMMITTEE ON CRIME PREVENTION AND CONTROL
Eleventh session
Vienna, 5-16 February 1990
Pre-sessional Working Group on Implementation
of United Nations Standards and Norms in
Crime Prevention and Criminal Justice
First session
Vienna, 1 and 2 February 1990

Provisional agenda

1. Election of officers.

2. Adoption of the agenda and organization of work.

3. Preparation of items for discussion by the Committee on Crime Prevention and Control.

4. Overseeing the elaboration of questionnaires to be used for the reporting system.

5. In-depth examination of the replies, data and reports received from Governments and other relevant sources, including non-governmental organizations.

6. Identification of general problems that may impinge on the effective implementation of standards and norms, and recommendation of viable solutions with action-oriented proposals based on the principles of international co-operation and solidarity.

7. Consideration of the provisional agenda for the second session of the Working Group.

8. Adoption of the report of the Working Group.

Annotations

1. Election of officers

In accordance with general practice, the Working Group may wish to elect a Chairman, a Vice-Chairman and a Rapporteur.

V.89-62511 6195T

2. Adoption of the agenda and organization of work

The provisional agenda for the first session of the Working Group follows the terms of reference provided by the Economic and Social Council in its resolution 1989/63 of 24 May 1989.

3. Preparation of items for discussion by the Committee on Crime Prevention and Control

Since this is its first session, the Working Group may wish to consider the future calendar of reporting cycles for the implementation of existing United Nations standards and guidelines in crime prevention and criminal justice given below.

(a) Standard Minimum Rules for the Treatment of Prisoners and Procedures for their Effective Implementation

Mandates: General Assembly resolutions 2858 (XXVI) of 20 December 1971, 3144 B (XXVIII) of 14 December 1973 and 3218 (XXIX) of 6 November 1974 and Economic and Social Council resolutions 663 C I (XXIV) of 31 July 1957, 2076 (LX11) of 13 May 1977 and 1984/47 of 25 May 1984.

Reporting cycle: quinquennial.

Last report submitted: 1985. Next report due: 1990.

(b) Capital punishment

Mandates: General Assembly resolution 2857 (XXVI) of 20 December 1971 and Economic and Social Council resolution 1745 (LIV) of 16 May 1973.

Reporting cycle: quinquennial.

Last report submitted: 1985. Next report due: 1990.

In future, the report on the question of capital punishment will also cover the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty, in accordance with Economic and Social Council resolution 1989/64 of 24 May 1989.

(c) Code of Conduct for Law Enforcement Officials and Guidelines for its Effective Implementation

Mandates: General Assembly resolution 34/169 of 17 December 1979 and Economic and Social Council resolutions 1986/10, section IX, of 21 May 1986 and 1989/61 of 24 May 1989.

Reporting cycle: quinquennial.

Last report submitted: 1988. Next report due: 1993.

(d) Safeguards guaranteeing protection of the rights of those facing the death penalty

Mandates: Economic and Social Council resolutions 1984/50 of 25 May 1984, 1986/10, section X, and 1989/64 of 24 May 1989.

Last report submitted: 1988. Subsequent reports to be included in the quinquennial reports on the question of capital punishment (see (b) above).

(e) Milan Plan of Action

The Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders 1/ urged Member States to implement the Plan of Action as the collective endeavour of the international community to deal with crime as a major problem whose impact is disrupting and destabilizing society.

(f) Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order 2/

Mandate: General Assembly resolution 40/32 of 29 November 1985.

Report to the General Assembly has not yet been submitted.

No periodic reporting.

(g) United Nations Standard Minimum Rules for the Administration of Juvenile Justice

Mandates: General Assembly resolution 40/33 of 29 November 1985 and Economic and Social Council resolutions 1986/10, section II, and 1989/66 of 24 May 1989.

Reporting cycle: quinquennial.

Last report submitted: 1988. Next report due: 1993.

(h) Basic Principles on the Independence of the Judiciary and Procedures for the Effective Implementation of the Basic Principles on the Independence of the Judiciary 3/

Mandates: Economic and Social Council resolutions 1986/10, section V, and 1989/60 of 24 May 1989.

Reporting cycle: quinquennial.

Last report submitted: 1990. Next report due: 1995.

(i) Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

Mandates: General Assembly resolution 40/34 of 29 November 1985 and Economic and Social Council resolutions 1986/10, section III, and 1989/57 of 24 May 1989.

Last report submitted: 1988.

(j) Model Agreement on the Transfer of Foreign Prisoners and recommendations on the treatment of foreign prisoners

Mandate: General Assembly resolution 40/32.

Reporting cycle: "regularly" to the Committee.

No report has yet been submitted.

(k) Alternatives to imprisonment and reduction of the prison population

Mandates: General Assembly resolution 40/32 and Economic and Social Council resolution 1986/10, section XI.

First report submitted: 1985. Next report due: 1990.

(l) Implementation of the recommendations of the Seventh Congress

Mandate: Economic and Social Council resolution 1987/49 of 28 May 1987.

Report due: 1990.

(m) United Nations Survey of Crime Trends, Operations of Criminal Justice Systems and Crime Prevention Strategies

Mandates: General Assembly resolutions 35/171 of 15 December 1980 and 40/32 and Economic and Social Council resolution 1986/12.

Reporting cycle: quinquennial.

Last report submitted: 1985. Next report due: 1990.

(n) Principles on the effective prevention and investigation of extra-legal, arbitrary and summary executions

Mandate: Economic and Social Council resolution 1989/65 of 24 May 1989.

The Committee is requested to keep the implementation of the principles under constant review.

It may be noted that additional standards are being elaborated in pursuance of existing mandates for the consideration of, and possible adoption by, the Eighth Congress. If adopted, these standards would also have to be implemented. The standards are as follows:

Standard minimum rules for non-custodial measures (The Tokyo Rules) (E/AC.57/1990/5/Add.2)

Guidelines for the prevention of juvenile delinquency (The Guidelines of Riyadh) (E/AC.57/1990/5/Add.4)

Standard minimum rules for the protection of juveniles deprived of their liberty (E/AC.57/1990/5/Add.4)

Basic principles on the use of force and firearms by law enforcement officials (E/AC.57/1990/5/Add.5)

Basic principles on the role of lawyers (E/AC.57/1990/5/Add.5)

Basic principles on the role of prosecutors (E/AC.57/1990/5/Add.5)

Model treaty on extradition (E/AC.57/1990/5/Add.3)

Model treaty on mutual assistance in criminal matters (E/AC.57/1990/5/Add.3)

Model treaty on the transfer of proceedings in criminal matters (E/AC.57/1990/5/Add.5)

Model treaty on the transfer of supervision of foreign offenders who have been conditionally sentenced or conditionally released (E/AC.57/1990/5/Add.5)

4. Overseeing the elaboration of questionnaires to be used for the reporting system

The Working Group will have before it for its consideration the latest versions of the questionnaires used for the reporting cycles (see paragraph 3 above).

5. In-depth examination of the replies, data and reports received from Governments and other relevant sources, including non-governmental organizations

Under this agenda item, the Working Group may wish to assess the progress made in national legislation and practice related to crime prevention and criminal justice under the impact of norms and guidelines of the United Nations. Special attention may be given to three global surveys being conducted for presentation to the Eighth Congress, namely:

(a) Implementation of the Standard Minimum Rules for the Treatment of Prisoners;

(b) Alternatives to imprisonment and reduction of the prison population;

(c) Implementation of the Basic Principles on the Independence of the Judiciary.

6. Identification of general problems that may impinge on the effective implementation of standards and norms, and recommendation of viable solutions with action-oriented proposals based on the principles of international co-operation and solidarity

The Working Group may wish to include in its consideration of this item the following issues:

(a) Measures to increase the level of support to programmes of technical co-operation and advisory services in crime prevention and criminal justice to permit more effective implementation, including special projects designed and carried out at the country level and more active involvement of potential funding agencies;

(b) Ways and means of promoting continuous and even closer regional co-operation: the role of the regional institutes of the United Nations in crime prevention and criminal justice;

(c) The need for further research on more effective measures to implement norms and guidelines of the United Nations in crime prevention and criminal justice at the national, regional and international levels: the role of the United Nations Interregional Crime and Justice Research Institute;

(d) The role of the United Nations, in particular the Committee on Crime Prevention and Control, in promoting the implementation of existing standards, including modalities for strengthening existing review procedures;

(e) Co-operation between the crime prevention and criminal justice programme and the human rights programme of the United Nations, in particular their advisory services, to enhance the practical application of standards and norms.

7. Consideration of the provisional agenda for the second session of the Working Group

In view of the important mandate of the Working Group, it might be appropriate to convene its second session for the two days immediately preceding the twelfth session of the Committee in 1992.

8. Adoption of the report of the Working Group

In accordance with Economic and Social Council resolution 1989/63, the Working Group reports to the Committee on Crime Prevention and Control.

Notes

1/ Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985 (United Nations publication, Sales No. E.86.IV.1), part one, chap. I, sect. A.

2/ Ibid., sect. B.

3/ Ibid., sect. D.